

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2409

**Introduced by Assembly Member Nestande
(Principal coauthor: Assembly Member Hill)**

February 19, 2010

~~An act to add Section 65598 to the Government Code, relating to local planning. An act to amend Section 10632 of the Water Code, relating to urban water management.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2409, as amended, Nestande. ~~Water Conservation in Landscaping Act; terms.~~ *Urban water suppliers: water shortage contingency analysis.*

Existing law, the Urban Water Management Planning Act, requires an urban water supplier, as defined, to prepare and adopt an urban water management plan for submission to the Department of Water Resources and other entities, in accordance with prescribed requirements. The act requires an urban water management plan to include, among other things, an urban water shortage contingency analysis. The urban water shortage contingency analysis is required to include various elements relating to water supply availability during water shortages and interruptions.

This bill would require an urban water supplier, for purposes of developing a water shortage contingency analysis, to analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined.

~~Under the Water Conservation in Landscaping Act, the Department of Water Resources is required to draft a model local water efficient~~

landscape ordinance and to update it, to the extent funds are appropriated. Existing law provides that the model ordinance is applicable within the jurisdiction of a local agency if, by January 1, 2010, the local agency has not adopted its own water efficient landscape ordinance or the updated model ordinance.

~~This bill would require any model ordinance and any ordinance adopted pursuant to the above provisions to exclude from the definition of the term “water feature,” swimming pools and spas.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10632 of the Water Code is amended to
2 read:
- 3 10632. (a) The plan shall provide an urban water shortage
4 contingency analysis ~~which~~ *that* includes each of the following
5 elements ~~which~~ *that* are within the authority of the urban water
6 supplier:
- 7 ~~(a)~~
- 8 (1) Stages of action to be undertaken by the urban water supplier
9 in response to water supply shortages, including up to a 50 percent
10 reduction in water supply, and an outline of specific water supply
11 conditions which are applicable to each stage.
- 12 ~~(b)~~
- 13 (2) An estimate of the minimum water supply available during
14 each of the next three water years based on the driest three-year
15 historic sequence for the agency's water supply.
- 16 ~~(c)~~
- 17 (3) Actions to be undertaken by the urban water supplier to
18 prepare for, and implement during, a catastrophic interruption of
19 water supplies including, but not limited to, a regional power
20 outage, an earthquake, or other disaster.
- 21 ~~(d)~~
- 22 (4) Additional, mandatory prohibitions against specific water
23 use practices during water shortages, including, but not limited to,
24 prohibiting the use of potable water for street cleaning.
- 25 ~~(e)~~
- 26 (5) Consumption reduction methods in the most restrictive
27 stages. Each urban water supplier may use any type of consumption

1 reduction methods in its water shortage contingency analysis that
2 would reduce water use, are appropriate for its area, and have the
3 ability to achieve a water use reduction consistent with up to a 50
4 percent reduction in water supply.

5 ~~(f)~~

6 (6) Penalties or charges for excessive use, where applicable.

7 ~~(g)~~

8 (7) An analysis of the impacts of each of the actions and
9 conditions described in ~~subdivisions (a) to (f)~~ *paragraphs (1) to*
10 *(6)*, inclusive, on the revenues and expenditures of the urban water
11 supplier, and proposed measures to overcome those impacts, such
12 as the development of reserves and rate adjustments.

13 ~~(h)~~

14 (8) A draft water shortage contingency resolution or ordinance.

15 ~~(i)~~

16 (9) A mechanism for determining actual reductions in water use
17 pursuant to the urban water shortage contingency analysis.

18 *(b) For purposes of developing the water shortage contingency*
19 *analysis pursuant to subdivision (a), the urban water supplier shall*
20 *analyze and define water features that are artificially supplied*
21 *with water, including ponds, lakes, waterfalls, and fountains,*
22 *separately from swimming pools and spas, as defined in subdivision*
23 *(a) of Section 115921 of the Health and Safety Code.*

24 ~~SECTION 1. Section 65598 is added to the Government Code,~~
25 ~~to read:~~

26 ~~65598. Any model ordinance adopted pursuant to this article~~
27 ~~and any ordinance adopted pursuant to Chapter 599 of the Statutes~~
28 ~~of 2009 shall exclude from the definition of the term "water~~
29 ~~feature," swimming pools and spas.~~